

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1901 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
(Nos.1 to 5 - No)

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NARESHKUMAR H BRAHMBHATT

Versus

STATE OF GUJARAT

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Appearance:

MR DR BHATT for Petitioner

SERVED for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioner while he was serving as an Unarmed Constable under the respondent was convicted by the learned Special Judge, Ahmedabad for the offences committed under sections 161 and 114 of the Indian Penal Code and section 5 of the Bombay Prevention of Corruption Act. The petitioner was sentenced to Rigorous Imprisonment for one year and a fine of Rs.100/- was

imposed. Pursuant to the said order of conviction the petitioner was served with a notice issued on 31-3-1985 and was called upon to make his submissions. A further reminder was sent on 11th June 1985 and further time of 30 days was granted to the petitioner. The petitioner was also explained the position personally on 16th June, 1985. However, the petitioner did not respond to the said notice. In view of the conviction by the criminal court the petitioner was dismissed from service under the order dated 15-3-86 which is impugned herein.

In view of the judgment of the Division Bench of this court in the matter of State of Gujarat & Ors. vs. Sudamasingh Lotansingh (1994(2) Gujarat Law Reporter, P.1201), this petition requires to be dismissed.

Petition is accordingly dismissed. Rule is discharged. There shall be no order as to costs.

Mr.D.R.Bhatt states that the petitioner's appeal against conviction preferred before the Hon'ble Supreme Court has been allowed and the petitioner has been acquitted. If that be so the petitioner may make a representation to the respondent authorities for necessary reliefs.

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